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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,949	01/27/2004	Yu-Chieh Lin	PMXP0171USA	1948
43831 7590 07/26/2007 BERKELEY LAW & TECHNOLOGY GROUP, LLP 17933 NW Evergreen Parkway, Suite 250 BEAVERTON, OR 97006			EXAMINER QUIETT, CARRAMAH J	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 07/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/707,949	LIN, YU-CHIEH	
	Examiner	Art Unit	
	Carramah J. Quiett	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-16, 18-20 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) 4-6, 9-11 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 12-16, 18, 20, and 23-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Response to Amendment***

1. The amendment(s), filed on 05/16/2007, have been entered and made of record. Claims 1-6, 8-16, 18-20, and 23-28 are pending, claims 4-6, 9-11, and 19 have been withdrawn, claims 7, 17, and 21-22 are canceled.

### ***Response to Arguments***

2. Applicant's arguments filed 05/16/2007 have been fully considered but they are not persuasive.

Applicant asserts that neither Saari, nor Kuroda, nor Belliveau, nor Motta either alone or in combination, discloses:

a pedestal capable of turning on a second axis;  
a reflector installed on a side of the pedestal capable of selectively reflecting light from the first hole or the second hole to a photosensor installed in the housing and  
a strobe installed on the pedestal, capable of turning with the pedestal.

as claimed in claim 1. In particular, the Applicant asserts that Saari does not disclose a pedestal (as claimed in claim 1). Respectfully, Examiner disagrees. In col. 7, lines 22-36, Saari's pedestal is called a pivot, which allows the reflector to have pivotal (turning) movement.

As far as the motivation to combine Kuroda with Saari in claim 1 is concerned, it is also advantageous to combine the noted prior art in order to provide a portable communication device that ensures reliability when capturing images thereby producing a highly stable device. Please read Kuroda, page 1, paragraphs 7-9. Accordingly, the Examiner maintains the rejections to the pending claims of the present application.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 29 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Claim 29 recites:

The digital image capturing apparatus of claim 1, wherein the reflector module comprises:

a pedestal capable of turning on a second axis;  
a reflector installed on a side of the pedestal capable of selectively reflecting light from the first hole or the second hole to the photosensor;  
a strobe installed on the pedestal capable of turning with the pedestal to provide a light source for the digital image capturing apparatus.

Please note that claim 29 is depends on claim 1. Claim 1 recites the reflector module comprising “a pedestal”, “a reflector”, and “a strobe”. For claim 29, is the Applicant claiming the reflector module another – “pedestal”, “reflector”, and “strobe”? There is insufficient antecedent basis for this limitation in the claim. For a prior art rejection of claim 29, the Examiner has provided best interpretation of claim 29 as possible.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 1, 8, 12-13, 23-24, and 27-29** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saari et al. (U.S. Pat. 6,532,035) in view of Kuroda (U.S. Pat. App. Pub. 2003/0036365) and Belliveau (U.S. Pat. App. Pub. 2004/0114043).

For **claim 1**, Saari discloses (figs. 1-3 and 5) a digital image capturing apparatus (10) comprising:

a housing (12)/(col. 4, lines 21-24);

a first hole (38) installed on the front side of the housing capable of\*\* receiving light from the front, the first hole (inherently) having a first central axis (col. 4, lines 46-49);

a second hole (50) installed on the rear side of the housing capable of\*\* receiving light from the rear (col. 5, lines 38-41);

a reflector module (116) installed in the housing capable of\*\* selectively reflecting light received from the first hole or\* the second hole (col. 6, lines 10-18), the reflector module (fig. 10) comprises:

a pedestal capable of\*\* turning (86) on a second axis (col. 7, lines 22-36);

a reflector (84) installed on a side of the pedestal capable of\*\* selectively reflecting light from the first hole or the second hole to a photosensor installed in the housing (col. 7, lines 22-36 and fig. 5);

an image generating module (inherently) installed in the housing capable of\*\* generating an image according to the light sensed by the photosensor (col. 5, lines 27-34 and 40-47). Saari inherently teaches an image generating module installed in the housing because in photography mode a captured image can be displayed on the screen (fig. 1, ref. 16).

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Saari also teaches that image capturing apparatus (10) in fig. 2 has a camera assembly that is rotated to a position that captures the image of the user as the user holds the apparatus. However, Saari does not expressly teach the second hole having a central axis substantially parallel with the first central axis. In a similar field of endeavor, Kuroda teaches a second hole (fig. 7, ref. 10a) having a central axis substantially parallel (inherently) with the first central axis (page 3, pgphs. 36-37). In light of the teaching of Kuroda, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Saari's digital image capturing apparatus with a second hole having a central axis substantially parallel with the first central axis in order to provide an apparatus that is capable of\*\* capturing images on a front side and a rear side of the apparatus (Kuroda, page 1, pgph. 8).

Additionally, Saari does not disclose a strobe installed on the pedestal and capable of\*\* turning with the pedestal to allow the strobe to be aimed substantially parallel with the first central axis in either direction for providing a light source for the digital image capturing apparatus. In a similar field of endeavor, Belliveau discloses a digital image capturing apparatus wherein the reflector module (figs. 3/5, ref. 230) comprises: a strobe (345) installed on a pedestal (225) and capable of\*\* turning with the pedestal (pg. 3, pgph. 33) allowing the strobe to be aimed substantially parallel (380) with the first central axis (351) in either direction for providing a light source necessary for the digital image capturing apparatus (pg. 4, pgph. 39). In light of the teaching of Belliveau, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Saari's digital image capturing apparatus with a strobe installed on a pedestal in order to provide adequate projection of the image into the camera (photosensor) (Belliveau, pg. 3, pgph. 33).



For **claim 8**, Saari, as modified by Kuroda and Belliveau, teaches that the flat mirror (Saari, reflector) is pivoted to fold or bend the optical path as illustrated by the dash line in fig. 10 (Saari, col. 7, lines 28-30). As shown in Saari, fig. 10, the projection of the image (74) creates a right triangle with the mirror, which is traced out by the dotted lines. However, Saari and Belliveau do not expressly disclose a digital image capturing apparatus wherein the acute angle formed by the second axis and the normal line of the reflector is 45 degrees. Examiner takes Official Notice that is well known in the art for the acute angle formed by the second axis and the normal line of the reflector is 45 degrees. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Saari's digital image capturing apparatus, as modified by Belliveau, with an acute angle formed by the second axis and the normal line of the reflector is 45 degrees in order to adequately focus the image signals into the image sensor via the lens.

For **claim 12**, Saari, as modified by Kuroda and Belliveau, inherently discloses a digital image capturing apparatus wherein the first hole and the second hole comprise a transparent material (Saari, col. 4, lines 47-64). Saari teaches that a close-up lens (36), mounted within the recess (38), is made of transparent plastic. Saari also teaches that other parts of the terminal are made of this material (col. 4, lines 59-64).

For **claim 13**, Saari, as modified by Kuroda and Belliveau, discloses a digital image capturing apparatus (fig. 1, ref. 10) wherein the apparatus comprises at least one of\* a *digital camera* and a digital camcorder. Saari teaches that the mobile communication terminal (10) has a photography mode, which allows the terminal to serve as a digital camera (col. 5, lines 35-47).

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For **claim 23**, Saari, as modified by Kuroda and Belliveau, the digital image capturing wherein the second axis is inherently perpendicular to a shortest line connecting the front side of the housing to the rear side of the housing (Saari, figs. 8/10; col. 7, lines 1-36).

For **claim 24**, Saari, as modified by Kuroda and Belliveau, teaches that the flat mirror (Saari, reflector) is pivoted to fold or bend the optical path as illustrated by the dash line in fig. 10 (Saari, col. 7, lines 28-30). As shown in Saari, fig. 10, the projection of the image (74) creates a right triangle with the mirror, which is traced out by the dotted lines. However, Saari and Belliveau do not expressly disclose the digital image capturing apparatus wherein an angle formed by the second axis and a normal line of the reflector comprises approximately 45 degrees, and wherein an angle formed by the second axis and a line along which the strobe is aimed comprises approximately 90 degrees. Examiner takes Official Notice that is well known in the art for an angle formed by the second axis and the normal line of the reflector comprises approximately 45 degrees, and wherein an angle formed by the second axis and a line along which the strobe is aimed comprises approximately 90 degrees. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Saari's digital image capturing apparatus, as modified by Belliveau, with an angle formed by the second axis and the normal line of the reflector comprises approximately 45 degrees, and wherein an angle formed by the second axis and a line along which the strobe is aimed comprises approximately 90 degrees in order to adequately focus the image signals into the image sensor via the lens. It is noted by the Examiner that because Applicant failed to timely traverse the old and well-known statement, it is now taken as Applicant Admitted Prior Art (see MPEP 2144.03(c)).



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For **claim 27**, Saari, as modified by Kuroda and Belliveau, teaches the digital image capturing apparatus, wherein the second axis is (inherently) perpendicular to the first central axis. Please see Saari, fig. 8 and col. 7, lines 1-2.

For **claim 28**, Saari discloses (figs. 1-3 and 5) a digital image capturing apparatus (10) comprising:

a housing (12) comprising a front side and an opposite rear side (col. 4, lines 21-24 and 46-49), and inherently a first central axis (col. 4, lines 46-49);

a reflector module (116) installed in the housing capable of\*\* reflecting light received at the front side of the housing when the reflector module is in a first position and further capable of\*\* reflecting light received at the rear side of the housing when the reflector module is in a second position (col. 4, lines 46-49; col. 6, lines 10-18), the reflector module comprising:

a pedestal capable of\*\* turning on a second axis (86) on a second axis (col. 7, lines 22-36), the second axis being inherently perpendicular to the first central axis, the pedestal capable of\*\* turning between the first and second positions; Please see Saari, fig. 8 and col. 7, lines 1-2.

a reflector (84) installed on the pedestal and capable of\*\* turning with the pedestal to allow the reflector to reflect light from the front or rear side of the housing to the photosensor (col. 7, lines 22-36 and fig. 5); and

a photosensor (fig. 10, ref. 72) installed in the housing capable of\*\* sensing the light from the reflector module (col. 7, lines 22-27); and

an image generating module (inherently) installed in the housing capable of\*\* generating an image according to the light sensed by the photosensor (col. 5, lines 27-34 and 40-47). Saari

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inherently teaches an image generating module installed in the housing because in photography mode a captured image can be displayed on the screen (fig. 1, ref. 16).

Saari also teaches that image capturing apparatus (10) in fig. 2 has a camera assembly that is rotated to a position that captures the image of the user as the user holds the apparatus. However, Saari does not expressly teach a first central axis as a shortest line connecting the front side and the rear side. In a similar field of endeavor, Kuroda inherently teaches a first central axis (fig. 7) as a shortest line connecting the front side and the rear side (page 3, pgphs. 36-37). In light of the teaching of Kuroda, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Saari's digital image capturing apparatus with a first central axis as a shortest line connecting the front side and the rear side in order to provide an apparatus that is capable of\*\* capturing images on a front side and a rear side of the apparatus (Kuroda, page 1, pgph. 8).

Additionally, Saari does not disclose a strobe installed on the pedestal and capable of\*\* turning with the pedestal to allow the strobe to be aimed substantially parallel with the first central axis in either direction for providing a light source necessary for the digital image capturing apparatus. In a similar field of endeavor, Belliveau discloses a digital image capturing apparatus wherein the reflector module (figs. 3/5, ref. 230) comprises: a strobe (345) installed on a pedestal (225) and turnable with the pedestal (pg. 3, pgph. 33) allowing the strobe to be aimed substantially parallel (380) with the first central axis (351) in either direction for providing a light source necessary for the digital image capturing apparatus (pg. 4, pgph. 39). In light of the teaching of Belliveau, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Saari's digital image capturing apparatus with a strobe

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installed on a pedestal in order to provide adequate projection of the image into the camera (photosensor) (Belliveau, pg. 3, pgph. 33).

For **claim 29**, Saari discloses the digital image capturing apparatus, wherein the reflector module comprises:

a pedestal capable of\*\* turning (86) on a second axis (col. 7, lines 22-36);

a reflector (84) installed on a side of the pedestal capable of\*\* selectively reflecting light from the first hole or the second hole to the photosensor (col. 7, lines 22-36 and fig. 5);

However, Saari does not disclose a strobe installed on the pedestal capable of\*\* turning with the pedestal to provide a light source for the digital image capturing apparatus. In a similar field of endeavor, Belliveau discloses a digital image capturing apparatus wherein the reflector module (figs. 3/5, ref. 230) comprises: a strobe (345) installed on a pedestal (225) and capable of\*\* turning with the pedestal (pg. 3, pgph. 33) to provide a light source for the digital image capturing apparatus (pg. 4, pgph. 39). In light of the teaching of Belliveau, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Saari's digital image capturing apparatus with a strobe installed on a pedestal in order to provide adequate projection of the image into the camera (photosensor) (Belliveau, pg. 3, pgph. 33).

8. **Claims 2-3** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saari et al. (U.S. Pat. 6,532,035) in view of Kuroda (U.S. Pat. App. Pub. 2003/0036365) and Belliveau (U.S. Pat. App. Pub. 2004/0114043) as applied to claim 1 above, and further in view of Motta et al. (U.S. Pat. 6,809,772).

For **claim 2**, Saari, as modified by Kuroda and Belliveau, discloses a digital image capturing apparatus further comprising (fig. 10) a lens (70) installed between the reflector module (84) and the photosensor (72) capable of\*\* focusing the light from the reflector module onto the photosensor (Saari, col. 7, lines 22-36). However, Saari does not disclose a lens group.

In a similar field of endeavor, Motta discloses a digital image capturing apparatus (fig. 3, ref. 20) further comprising a lens group (25/26; fig. 3; col. 3, lines 42-57). In light of the teaching of Motta, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Saari's digital image capturing apparatus by substituting the lens for a lens group, which provides a user with an adjustable focus option for producing clear sharp digital images (Motta, col. 3, lines 59-66).

For **claim 3**, Saari, as modified by Kuroda and Belliveau, discloses a digital image capturing apparatus further comprising (Saari, figs. 5/10) a first lens (Saari, fig. 10, ref. 70) installed between the first hole (Saari, fig. 5, ref. 124) and the reflector module (Saari, fig. 10, ref. 84) for focusing the light from the first hole onto the photosensor (Saari, fig. 10, ref. 72), and a second lens (Saari, fig. 10, ref. 76) installed between the second hole (Saari, fig. 5, ref. 108) and the reflector module (Saari, fig. 10, ref. 84) capable of\*\* focusing the light from the second hole onto the photosensor (Saari, fig. 10, ref. 72). Please read Saari, col. 6, lines 8-24 and (col. 7, lines 22-36). Saari does not expressly disclose a first lens group installed between the first hole and the reflector module capable of\*\* focusing the light from the first hole onto the photosensor, and a second lens group installed between the second hole and the reflector module for focusing the light from the second hole onto the photosensor.

In a similar field of endeavor, Motta discloses a digital image capturing apparatus (fig. 3, ref. 20) further comprising a lens group (25/26) (fig. 3; col. 3, lines 42-57). In light of the teaching of Motta, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Saari's digital image capturing apparatus by substituting the lens for a lens group, which provides a user with an adjustable focus option for producing clear sharp digital images (Motta, col. 3, lines 59-66).

9. **Claims 14-16, 18, 20, and 25-26** are rejected under 35 U.S.C. 103(a) as being unpatentable over Saari et al. (U.S. Pat. 6,532,035) in view of Motta et al. (U.S. Pat. 6,809,772) and Belliveau (U.S. Pat. App. Pub. 2004/0114043).

For **claim 14**, Saari discloses (figs. 1-3 and 5) a digital image capturing apparatus (10) comprising:

a housing (12) (col. 4, lines 21-24);

a lens (32) installed in the housing, wherein the lens is capable of\*\* moving between a first position and a second position, capable of\*\* receiving light from the front of the housing in the first position and from the rear of the housing in the second position (col. 4, lines 41-46; col. 5, lines 27-47);

a reflector module (116) installed in the housing for reflecting the light input from the lens (col. 6, lines 10-18), the reflector module (fig. 10) comprising:

a pedestal capable of\*\* turning (Saari, fig. 10, ref. 86) on an axis (Saari, col. 7, lines 22-27);

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a reflector (Saari, fig. 10, ref. 84) installed on a side of the pedestal capable of\*\* reflecting the light from the lens to the photosensor (Saari, col. 7, lines 22-27 and fig. 5).

a photosensor (fig. 10, ref. 72) installed in the housing for sensing light from the reflector module (col. 7, lines 22-27); and

an image generating module installed in the housing capable of\*\* generating an image according to the light sensed by the photosensor (col. 5, lines 27-34 and 40-47). Saari teaches an image generating module installed in the housing because in photography mode a captured image can be displayed on the screen (fig. 1, ref. 16).

However, Saari does not expressly disclose a lens (36) installed on the housing, moveable between a first position and a second position. In a similar field of endeavor, Motta discloses a lens (25/26) installed on a housing, moveable between a first position and a second position (fig. 3; col. 3, lines 42-57). In light of the teaching of Motta, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Saari's digital image capturing apparatus with a lens installed on the housing, moveable between a first position and a second position to provide a user with an adjustable focus option for producing clear sharp digital images (Motta, col. 3, lines 59-66).

Additionally, Saari and Motta do not expressly disclose a strobe installed on the pedestal and turnable wherein the pedestal is capable of\*\* allowing the strobe to be aimed substantially parallel with the first central axis in either direction for providing a light source necessary for the digital image capturing apparatus. In a similar field of endeavor, Belliveau discloses a digital image capturing apparatus wherein the reflector module (figs. 3/5, ref. 230) comprises: a strobe (345) installed on a pedestal (225) and turnable wherein the pedestal (pg. 3, pgph. 33) is capable



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of\*\* allowing the strobe to be aimed substantially parallel (380) with the first central axis (351) in either direction for providing a light source necessary for the digital image capturing apparatus (pg. 4, pgph. 39). In light of the teaching of Belliveau, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Saari's digital image capturing apparatus with a strobe installed on a pedestal in order to provide adequate projection of the image into the camera (photosensor) (Belliveau, pg. 3, pgph. 33).

For **claim 15**, Saari, as modified by Motta and Belliveau, discloses a digital image capturing apparatus (Saari, fig. 10; Motta, fig. 3, ref. 20) further comprising a lens group (Saari, fig. 10, ref. 70; Motta, fig. 3, refs. 25/26, fig. 3; col. 3, lines 42-66) installed between the reflector module (Motta, 42) and the photosensor (Saari, fig. 10, ref. 72) capable of\*\* focusing the light from the reflector module onto the photosensor (Saari, col. 7, lines 22-36).

For **claim 16**, Saari, as modified by Motta and Belliveau, discloses a digital image capturing apparatus wherein the reflector module is installed in the housing. However, he does not expressly disclose a digital image capturing apparatus wherein the reflector module is capable of\*\* moving along with the lens. Official Notice is taken in that it is well known in the art for a reflector module, in a digital image capturing apparatus, to be capable of\*\* moving along with the lens. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Saari's digital image capturing apparatus with a reflector module that is *capable of\*\** moving along with the lens to ensure that the image light can enter the image pickup element perpendicularly. It is noted by the Examiner that because Applicant failed to timely traverse the old and well-known statement, it is now taken as Applicant Admitted Prior Art (see MPEP 2144.03(c)).

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For **claim 18**, Saari, as modified by Motta and Belliveau, teaches that the flat mirror (Saari, reflector) is pivoted to fold or bend the optical path as illustrated by the dash line in fig. 10 (Saari, col. 7, lines 28-30). As shown in Saari, fig. 10, the projection of the image (74) creates a right triangle with the mirror, which is traced out by the dotted lines. However, Saari does not expressly disclose a digital image capturing apparatus, wherein the acute angle formed by the axis and the normal line of the reflector is 45 degrees. Examiner takes Official Notice that is well known in the art for the acute angle formed by the second axis and the normal line of the reflector is 45 degrees. It would have been obvious to one of ordinary skill in the art at the time the invention was made to implement Saari's digital image capturing apparatus, as modified by Motta, with an acute angle formed by the axis and the normal line of the reflector is 45 degrees in order to adequately focus the image signals into the image sensor via the lens. It is noted by the Examiner that because Applicant failed to timely traverse the old and well-known statement, it is now taken as Applicant Admitted Prior Art (see MPEP 2144.03(c)).

For **claim 20**, Saari as modified by Motta and Belliveau, discloses a digital image capturing apparatus (Saari, fig. 1, ref. 10) wherein the apparatus comprises at least one of\* a digital camera and a digital camcorder. Saari teaches that the mobile communication terminal (10) has a photography mode, which allows the terminal to serve as a digital camera (col. 5, lines 35-47).

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\***Note:** The U.S. Patent and Trademark Office considers Applicant's "or" and "at least one of" language to be anticipated by any reference containing one of the subsequent corresponding elements.

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**\*\*Note:** The Applicant's "*capable of*" language as used in the claims broadens the scope of the claims. The MPEP states that, "Claim scope is not limited by claim language that suggests or makes optional but does not require steps to be performed, or by language that does not limit a claim to a particular structure." (MPEP 2111.04 [R-3]) In other words at the U.S. Patent and Trademark Office, if a limitation is written with "capable of" language, a reference is deemed to meet that limitation if the reference discusses the same element that, although not actually performing the claimed function, is **structurally capable of** performing it. Accordingly, the Examiner will not give a limitation with "capable of" language patentable weight.

### ***Conclusion***

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

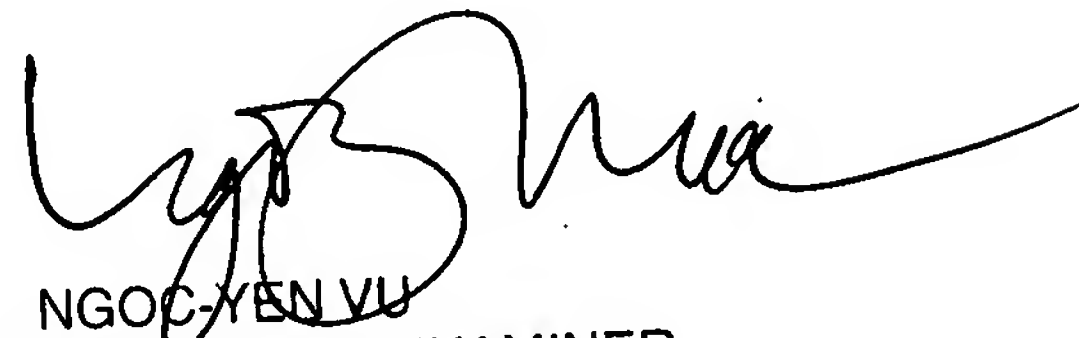
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carramah J. Quiett whose telephone number is (571) 272-7316. The examiner can normally be reached on 8:00-5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NgocYen Vu can be reached on (571) 272-7320. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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CJQ  
July 18, 2007

  
NGOC-YEN VU  
SUPERVISORY PATENT EXAMINER